STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), and IDEM's permitting authority under IC 13-15, as amended, the

CITY OF VALPARAISO

is authorized to discharge from their wastewater treatment plant, known as the Elden Kuehl Pollution Control Facility, which is a major municipal wastewater treatment plant located at 1251 Joliet Road, Valparaiso, Indiana to receiving waters named Salt Creek, which lies within the Lake Michigan Drainage Basin, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and Attachment A hereof.

Effective Date: <u>June 1, 2001</u>

Expiration Date: April 30, 2006

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this <u>24</u>th day of <u>May</u>, <u>2001</u>, for the Indiana Department of Environmental Management.

Matthew C. Rueff
Assistant Commissioner
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

The Elden Kuehl Pollution Control Facility is a Class IV Advanced Activated Sludge (Two Stage Nitrification) Wastewater Treatment Plant (WWTP). The plant has an average design flow of 6.0 MGD and a peak flow of 9.0 MGD with the ability to capture a first flush of 4.5 MGD into 3 combined sewer overflow retention basins during wet weather periods, thus providing the City of Valparaiso a total capacity of 13.5 MGD. Once the WWTP has reached its peak flow of 9.0 MGD and has retained the 4.5 MGD first flush, the excess flow will then be diverted to CSO Point No. 002. The untreated wastewater stored in the CSO retention basins will eventually be bled back through the WWTP once the influent flow to the plant descends below 6.7 MGD, which is the initial pumping capacity of the de-watering pumps at the CSO retention basins.

The Elden Kuehl Pollution Control Facility has 3 combined sewer overflow basins, influent flow monitoring, screening, grit removal, primary clarifiers, carbonaceous aeration tanks, secondary clarifiers, phosphorus removal with ferrous chloride, nitrification aeration tanks, tertiary clarifiers, mixed media filters, effluent chlorination/dechlorination facilities, post-aeration, and effluent flow monitoring. Sludge treatment includes dissolved air flotation, anaerobic digestion, and lagoon storage. Biosolids are eventually land applied.

The facility has two (2) flow diversion locations within the WWTP. The description of these flow diversion locations are as follows:

<u>Secondary Flow Diversion Gate</u> (located in the primary effluent channel)

- 1. A portion of the primary effluent is diverted to the second stage activated sludge process of the wastewater treatment plant once the influent flow has approximately reached 7.0 MGD at the first stage activated sludge biological process. (When flow exceeds 7.0 MGD at the first stage activated sludge process the secondary clarifier weirs will flood as a result).
- 2. The operator has the ability to add primary effluent as an additional food source to the second stage activated sludge process when appropriate.

Since the wastewater flow being diverted around the secondary flow diversion gate has received secondary treatment, the wastewater has been treated to a level capable of attaining the effluent limitations contained in this permit.

<u>Tertiary Effluent Diversion Gate</u> (located on the south end of the tertiary effluent channel)

The tertiary effluent diversion gate enables the WWTP to divert a portion of the tertiary effluent around the mixed media filters. Diverted tertiary effluent will be discharged prior to the chlorine contact chamber if and when the filter backwash cycle is not available due to excessive solids being carried over from the second stage activated sludge process.

Since the wastewater flow being diverted around the tertiary effluent diversion gate has received secondary treatment, the wastewater has been treated to a level capable of attaining the effluent limitations contained in this permit.

Wastewater Treatment Plant Sampling Locations

- * Raw Influent Channel
- * Primary Effluent Channel
- * Secondary Effluent Channel
- * Nitrification Influent Channel
- * Tertiary Effluent Channel
- * Final Effluent Sampling Location

Final Effluent Sampling Location

The location of the plant's final effluent sampling will not change although a mixed media filter bypass may be initiated. This sampling location is after the effluent chlorine/dechlorination chamber and after the post-aeration unit but before the WWTP effluent discharges to the City's receiving stream (Salt Creek) via Outfall 005.

It should also be noted that the City of Valparaiso is in the initial planning stages of upgrading the Elden Kuehl Pollution Control Facility to increase the average design flow to 9.0 MGD. However, this permit only addresses the permitting requirements for the existing 6.0 MGD wastewater treatment plant.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 005. The permittee shall take samples and measurements to meet the effluent limitations and monitoring requirements at a point which is representative of the discharge. Such discharge shall be limited and monitored by the permittee as specified below:

TABLE 1

	Quantity or Loading			Quality or	Concentra	ation	Monitoring Requirements	
<u>Parameter</u>	Monthly Average	Weekly <u>Average</u>	<u>Units</u>	Monthly Average	Weekly Average		Measurement <u>Frequency</u>	Sample Type
Flow[1]	Report	Report	MGD				Daily	24-Hr. Total
CBOD ₅	501	751	lbs/day	10	15	mg/l	Daily	24-Hr. Comp.
TSS	501	751	lbs/day	10	15	mg/l	Daily	24-Hr. Comp.
Fecal Coliform[8]				200	400 cc	olonies/ 100ml	Daily	Grab
Phosphorus[5]				1.0		mg/l	Daily	24-Hr. Comp.

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NH ₃ -N								
Interim-Summer[3]	75	115	lbs/day	1.5	2.3	mg/l	Daily	24-Hr. Comp.
Interim-Winter[4]	150	225	lbs/day	3.0	4.5	mg/l	Daily	24-Hr. Comp.

TABLE 2

	Quality or Concentration Daily Daily Monthly					Monitoring Requirements Measurement Sample		
<u>Parameter</u>	Minimum	Maximun	n Averag	<u>Units</u>	_	Frequen	<u>cy</u> <u>Type</u>	
pН	6.0	9.0		s.u.		Daily	Grab	
Dissolved Oxygen[6]	6.0			mg/l		Daily	2 Grabs/c	lay
Interim-TRC[9]		0.05		mg/l		Daily	Grab	
<u>E</u> . <u>coli</u> [8]								
Interim		Report	Report	colonies	/100ml	Daily	Grab	
Final		235	125	colonies	/100 ml	Daily	Grab	
				TABLE 3				
	Quantity or	Loading		Quality or	Concentratio	on Monitoring Requirements		
	Monthly	Daily		Monthly	Daily		Measurement	Sample
<u>Parameter</u>	Average	Maximum	<u>Units</u>	Average	Maximum	<u>Units</u>	Frequency	<u>Type</u>
FinalNH ₃ -N[7]								
Summer[3]	65	155[2]	lbs/day	1.3	3.1[2]	mg/l	Daily	24-Hr. Comp.
Winter[4]	70	165[2]	lbs/day	1.4	3.3[2]	mg/l	Daily	24-Hr. Comp.
Final-TRC[7][10]	0.50		lbs/day	0.01	0.02	mg/l	Daily	Grab
L 3L 3			•			_	•	

NOTE: Refer to Part I.C. of this permit for additional monitoring and reporting requirements.

- [1] Flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once annually.
- [2] The ammonia-nitrogen limit listed here shall be reported as a daily maximum value.
- [3] Summer limitations apply from May 1 through November 30 of each year.
- [4] Winter limitations apply from December 1 through April 30 of each year.
- [5] In accordance with 327 IAC 5-10-2(b), phosphorus removal facilities shall achieve a degree of reduction, as prescribed below, in total phosphorus content of the monthly average wastewater, or produce an effluent containing no more than 1.0 mg/l total phosphorus (P), whichever is more stringent.

Phosphorus (P) Level	Required
in Raw Sewage (mg/l)	Removal (%)
	000/
greater than or equal to 4	80%
less than 4, greater than or equal to 3	75%
less than 3, greater than or equal to 2	70%
less than 2, greater than or equal to 1	65%

less than 1 60%

- [6] The reported daily average concentration of dissolved oxygen in the effluent shall be the arithmetic mean determined by summation of the 2 daily grab sample results and dividing this sum by 2. These samples are to be collected over equal time intervals during the period of operator attendance.
- [7] Refer to the Schedule of Compliance in Part I.D. of this permit

Disinfection Requirements

[8] The effluent shall be disinfected on a continuous basis such that excursions above the fecal coliform and/or <u>E. coli</u> limitations do not occur from April 1 through October 31, annually. The fecal coliform values and the monthly average <u>E. coli</u> value shall be calculated as a geometric mean. Practice of chlorination for any reason from November 1 through March 31 shall result in the maximum residual chlorine restrictions and monitoring requirements being effective whenever the disinfectant is used. The permittee shall comply with the effluent limitations for total residual chlorine contained under Part I.A.1., Tables 2 and 3.

During the interim period, fecal coliform shall be monitored and limited and <u>E. coli</u> shall be monitored and reported. A 36-month compliance schedule is included in Part I.E. of this permit for the change-over to the new <u>E. coli</u> limits. Beginning with the conclusion of the 36-month schedule of compliance, <u>E. coli</u> shall be limited during each disinfection season in accordance with the effluent limitations contained in Table 2 of this permit.

- [9] During the 36-month interim period following the effective date of the permit or up until thirty days after any necessary construction, the total residual chlorine limitation is 0.05 mg/l daily maximum.
- [10] After the interim monitoring period the following final total residual chlorine limitations will apply. The monthly average water quality based effluent limit (WQBEL) for total residual chlorine is less than the limit of quantitation (LOQ) as defined below. Compliance with this permit will be demonstrated if the monthly average effluent level is less than or equal to the monthly average WQBEL. For the purpose of calculating the actual monthly average value for the total residual chlorine daily effluent values that are less than the LOQ, may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the limit of detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.

The daily maximum WQBEL for total residual chlorine is greater than or equal to the LOD value, but less than the LOQ value specified in the permit. Compliance with this permit will be demonstrated if the observed daily effluent concentrations are less than the

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> daily maxim um total residu al chlori ne mass limitati ons based on WQB EL's less than the LOQ, compl iance with the daily maxim um total residu al chlori ne mass value is based on the

> > LOQ value.

Compliance with the daily maximum total residual chlorine mass value will be demonstrated if the calculated mass value is less than 3.0 lbs/day.

At present, two methods are considered to be acceptable to IDEM, amperometric and DPD colorimetric methods, for chlorine concentrations at the level of 0.06 mg/l.

Parameter LOD LOQ Chlorine 0.02 mg/l 0.06 mg/l

Case-Specific MDL

The permittee may determine a case-specific method detection level (MDL) using one of the analytical methods specified above, or any other test method that is approved by the IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL.

2. <u>Minimum Water Quality Requirements</u>

The discharge from any and all point sources regulated within this permit shall not cause receiving waters, including mixing zones, to contain substances, materials, floating debris, oil, or scum, and these discharges shall not:

- a. settle to form putrescent or otherwise objectionable deposits;
- b. be in amounts sufficient to be unsightly or deleterious;
- c. produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance:
- d. be in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants or humans;
- e. be in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly or otherwise impair the designated use.

3. Additional Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of the permit, and continuing until the expiration date, the effluent from Outfall 005 shall be limited and monitored by the permittee as follows: $\frac{\text{TABLE 1}}{\text{ABLE 1}}$

Quantity or Loading Quality or Concentration Monitoring Requirements Monthly Daily Monthly Daily Sample Measurement Maximum Units **Average** Maximum Units Type Parameter <u>Average</u> **Frequency** Copper Interim [1] Report Report lbs/day Report 0.048 mg/l 1 X Weekly 24-Hr. Comp. 1.15 2.40 lbs/day 0.023 0.048 1 X Weekly 24-Hr. Comp Final [1][2] mg/lMercury [3] Interim [1] Report Report lbs/day 0.00001 0.00002 mg/l 2 X Monthly Grab Final [1][2] 0.0000648 0.0001595 lbs/day 1.3 3.2 ng/l 2 X Monthly Grab

- [1] The above-noted parameters are intended to be analyzed by a test method which will measure the quantity of acid-soluble metal present, however, an approved analytical method for acid-soluble metal is not yet available. The permittee shall measure and report these parameters as <u>total recoverable</u> metal until such a test method is approved which measures acid-soluble metal.
- [2] Refer to the schedule of compliance in Part I.F. of this permit.
- [3] Mercury monitoring shall be performed using EPA Test Method 1631.

4. Additional Monitoring Requirements

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall conduct the following monitoring activities:

a. Metals and Cyanide Monitoring

The permittee shall monitor the influent and effluent of its wastewater treatment facility for the following pollutants. Samples shall be representative of the discharge.

Table 1

		Quality or C	Concentratio	on	Monitoring Requirements		
		Monthly	Daily			Measurement	Sample
Parameter [1]		<u>Average</u>	<u>Maximum</u>		<u>Units</u>	<u>Frequency</u>	<u>Type</u>
Cadmium		Report	Report		mg/l	2 X Monthly	24 Hr. Comp.
Tot. Chromium		Report	Report		mg/l	2 X Monthly	24 Hr. Comp
Free-Cyanide		Report	Report		mg/l	2 X Monthly	See [2] Below
Lead		Report	Report		mg/l	2 X Monthly	24 Hr. Comp.
Nickel	Report	Report		mg/l	2 X Mont	hly 24 Hr. Con	np.
Zinc		Report	Report		mg/l	2 X Monthly	24 Hr. Comp.
Mercury[3][4]	Report	Report		mg/l	2 X Mont	hly Grab	
Copper[3]		Report	Report		mg/l	2 X Monthly	24-Hr. Comp.

- [1] All metals shall be reported as Total Metals. Cyanide shall be reported as Free Cyanide.
- [2] The maximum holding time for cyanide (CN) is 24 hours when sulfide is present and 14 days when sulfide is absent, according to 40 CFR 136.3, Table II. Therefore, CN is to be monitored by collecting a representative grab sample and analyzing it within 24 hours. Alternatively, if the permittee can demonstrate the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.
- [3] The permittee shall only be required to monitor the influent of its wastewater treatment facility for the above-referenced pollutants due the effluent limitations contained in Part I.A.3 of this permit.
- [4] Mercury monitoring shall be performed using EPA Test Method 1631.

b. Organic Pollutant Monitoring

The permittee shall conduct an annual inventory of organic pollutants and shall identify and quantify additional organic compounds which occur in the influent, effluent, and sludge. The analytical report shall be sent to the Pretreatment Group. This report is due in December of each year. The inventory shall consist of:

1. Sampling and Analysis of Influent and Effluent

Sampling shall be conducted on a day when industrial discharges are occurring at normal or maximum levels. The samples shall be 24-hour flow proportional composites, except for volatile organics, which shall be taken by appropriate grab sampling techniques. Analysis for the U.S. EPA organic priority pollutants shall be performed using U.S. EPA methods 624, 625 and 608 in 40 CFR 136, or other equivalent methods approved by U.S. EPA. Equivalent methods must be at least as sensitive and specific as methods 624, 625 and 608.

All samples must be collected, preserved, and stored in accordance with 40 CFR 136, Appendix A. Samples for volatile organics must be analyzed within 14 days of collection. Samples for semivolatile organics, PCBs and pesticides must be extracted within 7 days of collection and analyzed within 40 days of extraction. For composite samples, the collection date shall be the date at the end of the daily collection period.

2. <u>Sampling and Analysis of Sludge</u>

Sampling collection, storage, and analysis shall conform to the U.S. EPA recommended procedures equivalent to methods 624, 625 and 608 in 40 CFR 136. Special sampling and/or preservation techniques will be required for those pollutants which deteriorate rapidly.

Sludge samples for volatile organics must be analyzed within 14 days of collection. Sludge samples for semivolatile organics, PCBs and pesticides must be extracted within 14 days of collection and analyzed within 40 days of extraction.

3. Additional Pollutant Identification

This is a requirement of 40 CFR 403.5.

In addition to the priority pollutants, a reasonable attempt shall be made to identify and quantify the ten most abundant constituents of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) more than ten times higher than the adjacent background noise. Identification shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate based upon comparison with an internal standard.

The annual program effectiveness review, Part III. A.7., should identify the additional steps necessary to determine whether the pollutants present interfere, pass through, or otherwise violate 40 CFR 403.2. Upon such determination, the report must also identify the steps taken to develop and enforce local limitations on industrial discharges for those pollutants.

B. CHRONIC BIOMONITORING PROGRAM REQUIREMENTS

The 1977 Clean Water Act explicitly states, in Section 101(3) that it is the <u>national policy that the discharge</u> of toxic pollutants in toxic amounts be prohibited. In support of this policy the U.S. EPA in 1995 amended the 40 CFR 136.3 (Tables IA and II) by adding testing methods for measuring acute and short-term chronic toxicity of whole effluents and receiving waters. To adequately assess the character of the effluent, and the effects of the effluent on aquatic life, the permittee shall conduct Whole Effluent Toxicity Testing. Part 1 of this section describes the testing procedures, Part 2 describes the Toxicity Reduction Evaluation which is only required if the effluent demonstrates toxicity, as described in paragraph f.

1. Whole Effluent Toxicity Tests

Within 90 days of the effective date of the permit, the permittee shall initiate the series of bioassay tests described below to monitor the toxicity of the discharge from Outfall 005.

a. Bioassay Test Procedures and Data Analysis

- (1) All test organisms, test procedures and quality assurance criteria used shall be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms; Third Edition Section 13, Cladoceran (Ceriodaphnia dubia) Survival and Reproduction Test Method 1002.0; and Section 11, Fathead Minnow (Pimephales promelas) Larval Survival and Growth Test Method, (1000.0) EPA 600-4-91-002, July 1994 or most recent update.
- (2) Any circumstances not covered by the above methods, or that require deviation from the specified methods shall first be approved by the IDEM's Environmental Toxicology and Chemistry Section.
- (3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for acute and chronic toxicity endpoints as outlined in Section 9, and in Sections 11 and 13 of the respective Test Method (1000.0 and 1002.0) of Short-term Methods of Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms (EPA-600-4-91-002), Fourth Edition, July 1994 or most recent update.

b. Types of Bioassay Tests

The permittee shall conduct a 7-day Cladoceran (<u>Ceriodaphnia dubia</u>) Survival and Reproduction Test and a 7-day Fathead Minnow (<u>Pimephales promelas</u>) Larval Survival and Growth Test on samples of the final effluent. All tests will be conducted on 24-hour composite samples of final effluent. All test solutions shall be renewed daily. On days three and five fresh 24-hour composite samples of the effluent collected on alternate days shall be used to renew the test solutions.

If, in any control, more than 10% of the test organisms die in 96 hours, or more than 20% of the test organisms die in 7 days, that test (control and effluent) shall be repeated. In addition, if in the <u>Ceriodaphnia</u> test the number of newborns produced per surviving female is less than 15, or if 60% of females have less than three broods in the control group; and in the fathead minnow test if the mean dry weight in the control group is less than 25 mg, that test shall also be repeated. Such testing will determine whether the effluent affects the survival, reproduction, and/or growth of the test organisms. Results of all tests regardless of completion must be reported to IDEM.

c. Effluent Sample Collection and Chemical Analysis

- (1) Samples taken for the purposes of Whole Effluent Toxicity Testing, will be at a point that is representative of the discharge but prior to discharge. The maximum holding time for whole effluent is 36 hours for a 24 hour composite sample. Bioassay tests must be started within 36 hours after termination of 24 hour composite sample collection. Bioassay of effluent sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication.
- (2) Chemical analysis must accompany each effluent sample taken for bioassay test. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Testing Frequency and Duration

The toxicity tests specified above shall be conducted monthly for a period of three months following the effective date of this permit. If toxicity is demonstrated, as defined under paragraph e, the permittee is required to conduct a toxicity reduction evaluation (TRE) as specified in Part 2 (Toxicity Reduction Evaluation (TRE) Schedule of Compliance).

If no toxicity is demonstrated, the testing frequency shall be annually, as specified in paragraph b., thereafter for the duration of the permit. After three tests have been completed, that indicate no toxicity, the permittee may reduce the number of species tested to only include the most sensitive to the toxicity in the effluent.

e. Reporting

- (1) Results shall be reported according to EPA 600/4-91-002, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Data Management Section of the IDEM no later than sixty days after completion of the test.
- (2) For quality control the report shall include the results of appropriate standard reference toxicant tests for acute and chronic endpoints and historical reference toxicant data with mean values and appropriate ranges for the respective test species <u>Ceriodaphnia dubia</u> and <u>Pimephales promelas</u>. Biomonitoring reports must also include copies of Chain-of-Custody

Records and Laboratory raw data sheets.

(3) Statistical procedures used to analyze and interpret toxicity data including critical values of significance used to evaluate each point of toxicity should be described and included as part of the biomonitoring report.

f. Demonstration of Toxicity

- (1) Acute toxicity will be demonstrated if the effluent is observed to have LC₅₀ of less than 100% effluent for the test organism in 48 and 96 hours for <u>Ceriodaphnia dubia</u> or <u>Pimephales</u> <u>promelas</u>, respectively.
- (2) Chronic toxicity will be demonstrated if the No Observed Effect Level (NOEL) is less than 93.8% for <u>Ceriodaphnia dubia</u> or <u>Pimephales promelas</u>.
- (3) If acute or chronic toxicity is found in any of the tests specified above, a confirmation toxicity test using the specified methodology and same test species shall be conducted within two weeks of the completion of the failed test to confirm results. If any two tests, including any and all confirmation tests, indicate the presence of toxicity, the permittee must begin the implementation of a Toxicity Reduction Evaluation (TRE) as described below. The whole effluent toxicity tests required above may be suspended while the TRE is being conducted.

2. Toxicity Reduction Evaluation (TRE) Schedule of Compliance

The development and implementation of a TRE (including any post-TRE biomonitoring requirements) is only required if toxicity is demonstrated as defined by Paragraph f.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent toxicity reduction evaluation (TRE) to the Data Management Section of the IDEM. The TRE plan shall include appropriate measures to characterize the causative toxicants and the variability associated with these compounds. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Methods for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures (EPA 600/3-88/035), February 1989.

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Phase III Toxicity Confirmation Procedures (EPA/600/3-88/036), February 1989.

(2) Methods for Chronic Toxicity Identification

Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005, June 1991.

- (3) Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070), March 1989.
- (4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/600/2-88/062), April 1989.

b. Conduct the Plan

Within 30 days after submission of the TRE plan to the IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) beginning 90 days after initiation of the TRE study.

c. Reporting

Within 90 days of the TRE study completion, the permittee shall submit to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) the final study results and a schedule for reducing the toxicity to acceptable levels through control of the toxicant source or treatment of whole effluent.

d. Compliance Date

The permittee shall complete items a, b, and c from Section 2 above and reduce the toxicity to acceptable levels as soon as possible but no later than three years after the date of determination of toxicity.

e. Post-TRE Biomonitoring Requirements (Only Required After Completion of a TRE)

After the TRE, the permittee shall conduct monthly toxicity tests with 2 or more species for a period of three months. Should three consecutive monthly tests demonstrate no toxicity, the permittee may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent, and conduct chronic tests every six months for the duration of the permit.

If toxicity is demonstrated as defined in paragraph f after the initial three month period, testing must revert to a TRE as in Part 2 (TRE).

These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Testing Section above.

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C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13.

3. Monthly Reporting

The permittee shall submit monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month and shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report (DMR), the Monthly Report of Operation, and the combined sewer overflow DMR. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance of the permit.

4. Definitions

a. Effluent Limitations

The arithmetic mean of the CBOD₅, TSS, ammonia-nitrogen, phosphorus, total residual chlorine, copper and mercury values and the geometric mean of fecal coliform and monthly average <u>E. coli</u> values for effluent samples collected in a calendar month, week or day shall not exceed the monthly averages, weekly averages or daily maximum values contained in the Discharge Limitation Section of this permit for concentration and quantity.

b. Terms

(1) "Average Monthly Discharge" - means the total mass or flow-weighted concentration of all daily discharges sampled or measured during a calendar month on which daily discharges are sampled and/or measured during such month. The average monthly discharge limitation is the highest allowable average monthly discharge for any calendar month.

- (2) "Average Weekly Discharge" means the total mass or flow-weighted concentration of all daily discharges during any calendar week on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and-or measured during such calendar week. The average weekly discharge limitation is the maximum allowable average weekly discharge for any calendar week.
- (3) "Daily Discharge" means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms of other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that reasonably represents the calendar day for the purpose of sampling.
- (4) "Daily Maximum Discharge" means the maximum allowable daily discharge for any calendar day.
- (5) The 24-hour Composite Sample consists of a minimum of six (6) grab samples that shall be collected during the period of operator attendance. These grab samples shall be composited proportional to flow.
- (6) TBOD₅: Total Biochemical Oxygen Demand
- (7) CBOD₅: Carbonaceous Biochemical Oxygen Demand
- (8) TSS: Total Suspended Solids
- (9) <u>E. coli</u>: Escherichia coli bacteria
- c. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- d. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

5. <u>Test Procedures</u>

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the State agency and the U.S. Environmental Protection Agency.

a. <u>Standard Methods for the Examination of Water and Wastewater</u> 19th Edition, 1995, American Public Health Association,

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Washington, D.C. 20005.

- b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- Methods for Chemical Analysis of Water and Wastes
 June 1974, Revised, March 1983, Environmental Protection
 Agency, Water Quality Office, Analytical Quality Control
 Laboratory, 1014 Broadway, Cincinnati, OH 45202.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of all required analyses and measurements.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO) forms. Such increased frequency shall also be indicated on these forms.

8. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the wastewater treatment facility. The three-year period shall be extended:

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator or the IDEM.

D. SCHEDULE OF COMPLIANCE FOR THE FINAL AMMONIA-NITROGEN AND THE MONTHLY AVERAGE COPPER LIMITATION

- 1. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting new final requirements for ammonia-nitrogen and the copper monthly average limitation. The new monthly average effluent limit for copper and the final ammonia-nitrogen effluent limitations are deferred for the term of this compliance schedule, or until completion of the necessary construction, unless notification is received in accordance with paragraph 2 below. Monitoring and reporting of effluent copper and ammonia-nitrogen is required during the interim period.
- 2. If construction is not required to meet the final ammonia-nitrogen effluent limitations or the monthly average copper limit, the permittee shall notify the Compliance Evaluation Section, Office of Water Quality (OWQ). Upon receipt of such notification by the OWQ, the final limitations will become effective. If construction is required a construction permit application (including Plans and Specifications) for complying with final requirements shall be submitted within fourteen (14) months from the effective date of the permit.
- 3. Initiation of construction, if necessary, shall commence not later than the twenty-three (23) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality at this time.
- 4. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality thirty-two (32) months from the effective date of the permit.
- 5. Construction shall be completed within thirty-five (35) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality when construction has been completed.
- 6. The permittee shall comply with all final requirements no later than thirty-six (36) months from the effective date of the permit.
- 7. **If the permittee fails to comply with any date in the foregoing schedule by more than fourteen** (14) days, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality delineating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

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E. SCHEDULE OF COMPLIANCE FOR E. COLI

- 1. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting new final requirements for <u>E. coli</u>. The <u>E. coli</u> limitations are deferred for the term of this compliance schedule, or until the permittee determines what measures will be taken to comply with the new <u>E. coli</u> limitations. Monitoring and reporting of <u>E. coli</u> is required during the interim period. Reporting these <u>E. coli</u> results on the Monthly Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO) forms is required.
- 2. The permittee shall submit written progress reports to the Compliance Evaluation Section, Office of Water Quality by twelve (12) and twenty-four (24) months from the effective date of the permit and shall comply with all final requirements and submit a final written progress by thirty-six (36) months from the effective date of the permit.
- 3. **If the permittee fails to comply with any date in the foregoing schedule by more than fourteen** (14) days, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality delineating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

F. SCHEDULE OF COMPLIANCE FOR THE FINAL MERCURY LIMITATION

- 1. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting new final requirements for mercury. The final mercury effluent limitations are deferred for the term of this compliance schedule, or until completion of the necessary construction, unless notification is received in accordance with paragraph 2 below. Monitoring for mercury during the interim period is required to determine the effectiveness of the existing facilities in meeting the new final effluent limitations. Reporting these mercury results on the Monthly Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO) forms is also required.
- 2. If construction is not required to meet the final mercury limitations, the permittee shall notify the Compliance Evaluation Section, Office of Water Quality (OWQ). Upon receipt of such notification by the OWQ, the final limitations will become effective. If construction is required a construction permit application (including Plans and Specifications) for complying with final requirements shall be submitted within twelve (12) months from the effective date of the permit.
- 3. Initiation of construction, if necessary, shall commence not later than the twenty-four (24) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality at this time.

- 4. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality thirty-six (36) months from the effective date of the permit.
- 5. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality forty-eight (48) months from the effective date of the permit.
- 6. The permittee shall comply with all final requirements no later than fifty-nine (59) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality by this date.
- 7. If the permittee fails to comply with any date in the foregoing schedule by more than fourteen (14) days, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality delineating the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

G. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

- 1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
- 2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.
- 3. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include whole effluent toxicity limitations or to include limitations for specific toxicants if the results of the biomonitoring and/or the TRE study indicate that such limitations are necessary.
- 4. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.

- 5. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate additional requirements or limitations for specific toxicants if the required additional analyses in Part I.A.4. a. or b. indicate that such additional requirements and/or limitations are necessary to assure that State Water Quality Standards are met in the receiving stream.
- 6. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to include and/or modify limitations to reflect any changes to State Water Quality Standards.
- 7. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
- 8. This permit may be modified or, alternatively revoked and reissued, after public notice and opportunity for hearing to incorporate alternate permit terms and conditions for mercury reduction if the Department of Environmental Management determines that such requirements are warranted based upon the results of the permittee's Pollutant Loading Study and the permittee's effluent monitoring data.
- 9. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to include <u>E. coli</u> effluent limitations prior to the completion of the schedule of compliance contained in Part I.E. of this permit if deemed necessary.

PART II

A. GENERAL CONDITIONS

1. <u>Duty to Comply</u>

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Duty to Provide Information

In accordance with 327 IAC 5-2-8(4)(B) and 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. In accordance with 327 IAC 5-2-8(7)(B), the permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to request the application. The application must be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with approved or that are to required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

5. Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except after notice to the Commissioner pursuant to 327 IAC 5-2-6(c). The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

6. Permit Actions

In accordance with 327 IAC 5-2-8(4)(A), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or an invasion of personal rights, nor any infringement of federal, state, or local laws or regulations as stated in 327 IAC 5-2-8(6).

8. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30 and 327 IAC 5-2-20, any person who violates a permit condition implementing Sections 301, 302, 306, 307, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part II.B.2., and "Upset Conditions," Part II.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

12. Toxic Pollutants

Notwithstanding Part II.C.3., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5).

13. Containment Facilities

When cyanide or cyanogen compounds are used in any of the processes at this facility, the permittee shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements of 327 IAC 2-2-1.

14. Operator Certification

The permittee shall have the wastewater treatment facilities under the direct supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 8-12-3.

15. Construction Permit

The permittee shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Commissioner pursuant to 327 IAC 3-2. Upon completion of any construction, the permittee must notify the Compliance Evaluation Section of the Office of Water Quality in writing.

16. <u>Inspection and Entry</u>

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

17. New or Increased Discharge of Pollutants

This permit prohibits the permittee from undertaking any deliberate action that would result in a new or increased discharge of a bioaccumulative chemical of concern (BCC) or a new or increased permit limit for a pollutant or pollutant parameter that is not a BCC pursuant to the following requirements:

- 1. The permittee is prohibited from allowing a new or increased discharge of a BCC from either an existing industrial user proposing to increase or add a process wastestream; or a proposed new industrial user which will have a process wastestream, where the process wastestream contains a bioaccumulative chemical of concern (BCC) at concentrations detectable using the most sensitive analytical method for the BCC contained in 40 CFR 136 or approved by the Commissioner, unless one (1) of the following is completed prior to commencement of the discharge:
 - (1) Information is submitted to the Commissioner demonstrating that the proposed new or increased discharge will not cause a significant lowering of water quality as defined under 327 IAC 5-2-11.3(b)(1). Upon review of this information, the Commissioner may request additional information or may determine that the proposed increase is a

- significant lowering of water quality and require the submittal of an antidegradation demonstration.
- (2) An antidegradation demonstration is submitted and approved in accordance with 327 IAC 5-2-11.3(b)(3).
- 2. Whether or not the permit contains a limitation for a BCC, if there is an increase in loading of a BCC, above normal variability and attributable to a deliberate action, the discharger shall notify the Commissioner of the increase unless either:
 - (1) the discharger has submitted the information required under 327 IAC 5-2-11.3(b)(2)(A)(i) for the increase; or
 - (2) an antidegradation demonstration for the increase has been approved under 327 IAC 5-2-11.3(b)(5).

If the increase is determined to be a significant lowering of water quality, as defined under 327 IAC 5-2-11.3(b)(1), the Commissioner shall require reduction or elimination of the increase.

3. Any existing or proposed discharger seeking to significantly lower water quality in a high quality water for any pollutant or pollutant parameter must first submit an antidegradation demonstration for consideration and approval by the Commissioner, in accordance with 327 IAC 5-2-11.3(b).

B. MANAGEMENT REQUIREMENTS

1. Facility Operation, Maintenance and Quality Control

Pursuant to 327 IAC 5-2-8, all waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. at all times, all facilities shall be operated as efficiently as possible, and in good working order, and in a manner which will minimize upsets and discharges of excessive pollutants.
- b. the permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- c. maintenance of all waste collection, control, treatment, and disposal facilities that results in degradation of effluent quality shall be scheduled during noncritical water quality periods and shall be carried out in a manner approved by the Commissioner.
- d. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans

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and specifications for extension of the sanitary system must be submitted to the Facility Construction Section, Office of Water Quality in accordance with 327 IAC 3-2-1. There shall also be an ongoing program to prevent deterioration of the sanitary sewer system.

2. <u>Bypass of Treatment Facilities</u>

Pursuant to 327 IAC 5-2-8(11):

- a. Terms as defined in 327 IAC 5-2-8(11)(A):
 - (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined below:
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II.B.2.d; or
 - (4) The condition under Part II.B.2.f below is met.
- c. In accordance with 327 IAC 2-6.1, bypasses which result in damage or death are subject to the "Two-Hour Reporting Requirements" in Part II.C.4 of this permit.
- d. The permittee must provide the Commissioner with the following notice:
 - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.

- (2) The permittee shall orally report an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the event. Alternatively, in accordance with 327 IAC 2-6.1, the permittee may be subject to the "Two-Hour Reporting Requirements" in Part II.C.4 of this permit if the unanticipated bypass causes damage to waters of the State.
- e. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
- f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to assure efficient operation. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.c and d of this permit.
- g. Diversion from combined sewers solely caused by rainfall need not be reported except in the monthly reports of operations and the discharge monitoring reports which are required to be submitted to the Indiana Department of Environmental Management. Additional requirements regarding CSO discharges are found in Attachment A of this permit.

3. <u>Upset Conditions</u>

Pursuant to 327 IAC 5-2-8(12):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;

- (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;
- (3) The permittee complied with any remedial measures required under "Duty to Mitigate", Part II.A.2; and
- (4) The permittee submitted notice of the upset as required in the "Twenty-Four Hour Reporting Requirements," Part II.C.3, or the "Two Hour Reporting Requirements," Part II.C.4, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

- a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with methods established in 329 IAC 10 and 327 IAC 6.1, or another method approved by the Commissioner.
- b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable 40 CFR Part 503, the federal sludge disposal regulation standards.
- c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.

5. Power Failures

In accordance with 327 IAC 5-2-8(13), in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or
- b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F) any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by advance notice to the Commissioner of such changes. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any noncompliance which may pose a significant danger to human health or the environment;
- c. Any upset (as defined in Part II.B.3 above) that exceeds any effluent limitations in the permit;
- d. Any dry weather discharge from a combined sewer overflow which is identified in this permit;
- e. Violation of any of the maximum daily discharge limitations contained in Part I.A.3 of this permit.

The permittee can make the oral reports by calling 317/232-8795 during regular business hours or by calling 317/233-7745 (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence.

The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report" (whichever is appropriate) to IDEM at 317/232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. <u>Two-Hour Reporting Requirement</u>

Pursuant to 327 IAC 2-6.1, any discharge of pollutants to waters of the State from the permittee's collection system or wastewater treatment plant which results in damage, acute injury, or death to any humans, animals, or aquatic life must be reported as soon as possible, but within two (2) hours after the permittee becomes aware of the occurrence. (This includes <u>any</u> discharge regardless of whether or not it is authorized by the NPDES permit).

Any discharge of pollutants which enters waters of the state from the permittee's collection system or wastewater treatment plant and which is not authorized by the NPDES permit must also be reported within two (2) hours after the permittee becomes aware of the occurrence. [Note: Only those outfalls which are specifically identified in Part I.A, Part II.B.2.f, and/or Attachment A of this permit are considered to be authorized discharges under this NPDES permit]. Any unauthorized discharge of pollutants from the collection system which does <u>not</u> reach waters of the State must be reported to the IDEM in accordance with the "Twenty-Four Hour Reporting Requirements" in Part II.C.3.

The permittee is required to notify IDEM's Office of Emergency Response at 317/233-7745 or 888/233-7745 (toll-free within Indiana) of any discharges which meet the criteria of 327 IAC 2-6.1.

5. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3 or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

6. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

7. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

- All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a federal, state, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above.
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The authorization is submitted to the Commissioner.
- c. <u>Certification</u>. Any person signing a document identified under paragraphs a and b of this section, shall make the following certification:
 - "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of

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the persons who manage the system, or those persons directly responsible for gathering the

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8. Availability of Reports

Except for data determined to be confidential under 327 IAC 12, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana

Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

9. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-10(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine or not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

PART III

REQUIREMENT TO OPERATE A PRETREATMENT PROGRAM

A. CONDITIONS

The permittee, hereinafter referred to as the "Control Authority," is required to operate its approved industrial pretreatment program approved on June 28, 1985, and the pretreatment program modifications were made on August 23, 1996, October 29, 1997, and May 20, 1998. To ensure the program is operated as approved and consistent with 327 IAC 5-11 through 5-15, the following conditions and reporting requirements are hereby established. The Control Authority (CA) shall:

- 1. LEGAL AUTHORITY The CA shall develop, enforce and maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully implement the pretreatment program in compliance with State and local law. As part of this requirement, the CA shall develop and maintain local limits as necessary to implement the prohibitions and standards in 327 IAC 5-12.
- 2. PERMIT ISSUANCE In accordance with 327 IAC 5-13-2(f)(1) the CA is required to issue/reissue permits to Significant Industrial User(s) (SIU) as stated in the SUO. The CA must issue permits to new SIUs prior to the commencement of discharge. A SIU is defined in the SUO.
- 3. INDUSTRIAL COMPLIANCE MONITORING The CA is required to conduct inspection, surveillance, and monitoring activities to determine SIU compliance status with the approved program and the SUO independent of data supplied by the SIU in accordance with 40 CFR 403.8(f)(1)(v) and 327 IAC 5-13-2(f)(1)(E). SIU compliance monitoring performed by the CA will be conducted in accordance with the program plan or yearly program plan. SIUs will be inspected once per year, at a minimum.
- 4. ENFORCEMENT The CA is required to initiate the appropriate enforcement action against a SIU violating any provision of the SUO and/or discharge permit in accordance with the Enforcement Response Procedures (ERP) adopted by the CA. The CA must investigate violations by collecting and analyzing samples and collecting other information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions in accordance with 40 CFR 403.8(f)(1)(iii) and 327 IAC 5-13-2(f)(1)(F).
- 5. SIU QUARTERLY NONCOMPLIANCE REPORT The CA is required to report the compliance status of each SIU quarterly. The report is due by the 28th of the following months: April, July, October, and January of each year. The report shall include a description of corrective actions that have or will be taken by the CA and SIU to resolve the

- noncompliance situations. This report is to be sent to the Operator Assistance & Pretreatment Section of the Office of Water Quality.
- 6. PUBLIC PARTICIPATION AND ANNUAL PUBLISHING OF SIUs IN SIGNIFICANT NONCOMPLIANCE The CA is required to comply with the public participation requirements under 40 CFR 25 and 327 IAC 5-13-2(f)(2)(I). The CA must publish annually, by January 28, in the largest daily newspaper in the area, a list of SIUs that have been in significant noncompliance (SNC) with the SUO during the calendar year. The CA shall include in the ANNUAL REPORT a list of the SIUs published along with the newspaper clipping.
- 7. ANNUAL REPORT The CA is required to submit an annual report to the Pretreatment Group by April 1, of each year. The annual report will be submitted in accordance with the State supplied "POTW PRETREATMENT PROGRAM ANNUAL REPORT GUIDANCE."
- 8. RECORDS RETENTION Pursuant to 327 IAC 5-11-7(d), the CA shall retain any pretreatment reports from an industrial user a minimum of three (3) years and shall make such reports available for inspection and copying by IDEM or the U.S. EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, the operation of the POTW pretreatment program or when requested by IDEM or the U.S. EPA.
- 9. CONFIDENTIALITY Pursuant to 327 IAC 5-13-2(f)(1)(G), the CA is required to comply with all confidentiality requirements set forth in 40 CFR 403.14, as well as the procedures established in the SUO.
- 10. PROGRAM RESOURCES Pursuant to 327 IAC 5-13-2(f)(3), The CA shall maintain sufficient resources and qualified personnel to carry out the pretreatment program requirements.
- 11. INTERJURISDICTIONAL AGREEMENTS The CA must maintain sufficient legal authority to ensure compliance with all applicable pretreatment limits and requirements by all SIUs discharging to the POTW, including SIUs within governmental jurisdictions outside the immediate jurisdiction of the POTW. The CA must maintain the interjurisdictional agreements necessary to ensure full compliance by SIUs located within other jurisdictions as discussed in 40 CFR 403.8(f)(1).
- 12. POTW PRETREATMENT PROGRAM REVISION REQUIREMENTS The CA is required to update its pretreatment program and SUO in accordance with the Pretreatment Implementation Review Task Force (PIRT) revisions and the Domestic Sewage Study (DSS) rule. The updating shall be completed according to the following schedule:

a. The CA shall re-evaluate its pretreatment program for consistency with 40 CFR 403, particularly the PIRT and DSS revisions, then submit a draft of any program modification, with a request for approval of the modification under 40 CFR 403.18, to the Pretreatment Group and the U.S. EPA, Region 5, within nine months of the effective date of this permit. The program modification must include a technical re-evaluation of the local limits.

The request must identify or highlight the new provisions in the modification (or pre-existing provisions in the original program) that fulfill the requirements of the PIRT and DSS revisions. A guidance document is available from the Pretreatment Group that outlines the procedures for modifying POTW pretreatment programs and the PIRT and DSS provisions that must be in the programs.

- b. The CA shall make any changes to its pretreatment program necessary for the program to be consistent with 40 CFR 403, particularly the PIRT and DSS revisions, within 90 days after approval by the approval authority.
- c. The CA shall issue pretreatment permits to all SIUs (or modify existing SIU permits) that are affected by the revisions within one year after approval of the revisions by the approval authority.
- 13. PROGRAM MODIFICATION Pursuant to 327 IAC 5-13-4(g), any significant proposed program modification shall be submitted to the Pretreatment Group and the U.S. EPA for approval. A significant modification shall include, but not be limited to, any change in the SUO, major modification in the approval program's administrative procedures, a significant reduction in monitoring procedures, a significant change in the financial/revenue system, a significant change in the local limitations contained in the SUO, and a change in the industrial survey.

NOTE: A summary of the revisions to the General Pretreatment Regulations (40 CFR 403) is available from the Operator Assistance & Pretreatment Section.

ATTACHMENT A

Precipitation Related Combined Sewer Overflow Discharge Authorization

I. <u>Discharge Authorization</u>

- A. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge from outfalls listed in paragraph C below subject to the requirements of this Attachment A.
- B. CSO discharges consist of mixtures of domestic sewage, industrial and commercial wastewaters, and storm water runoff. The definition of "pollutant" in 327 IAC 5-1.5-41 includes sewage and other industrial, municipal and agricultural waste. Discharges from CSOs shall not cause or contribute to violations of water quality standards or to the impairment of designated or existing uses.
- C. Discharges from the CSO outfalls herein shall not cause violations of the following minimum water quality conditions:

All waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges:

- a. that will settle to form putrescent or otherwise objectionable deposits;
- b. that are in amounts sufficient to be unsightly or deleterious;
- c. that produce color, visible oil sheen, odor, or other conditions in such a degree as to create a nuisance:
- d. which are in amounts sufficient to be acutely toxic to, or otherwise severely injure or kill aquatic life, other animals, plants, or humans; and
- e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

Overflow Point	Location	Receiving Water
002	WWTP Overflow @ the Headworks	Salt Creek
004	Farrell Street	Salt Creek

- D. Dry weather discharges from any portion of the Publicly Owned Treatment Works (POTW) are prohibited, except in accordance with 327 IAC 5-2-8(11)(B) and 40 CFR 122.41(m). If a dry weather discharge occurs, the permittee shall notify this Office by phone within 24 hours and in writing within five days of the occurrence. The correspondence shall include the duration and cause of the discharge as well as the remedial action taken to end the discharge. Under certain conditions a discharge from the permittee's treatment plant or collection system may require notification to the Office of Land Quality at 888/233-7745 pursuant to 327 IAC 2-6.1.
- E. Note: Wet weather discharges are defined as a combination of sanitary flow, industrial flow, infiltration from groundwater and storm water flow, including snow melt or as discharges caused by the receiving stream being at or above the established flood stage.
- F. Note: Dry weather flow is defined in a combined sewer as a combination of domestic sewage, groundwater infiltration, commercial and industrial waste waters, and any other non-precipitation related flows. Discharges that occur because the receiving streams elevation is at or above the established flood stage are not considered dry weather discharges.

II. Reporting Requirements

The permittee shall report the frequency and duration of discharge from each permitted outfall listed in Part I.A of this Attachment A and shall include this information on the CSO discharge monitoring report (DMR) form.

III. Development and Implementation of an Operational Plan

A. The permittee shall maximize the volume of flows transported to the wastewater treatment facility (WWTP) for treatment prior to CSOs being authorized. The permittee may specify (as part of the Operational Plan) a 24-hour peak flow value that the WWTP is capable of treating. Once the Operational Plan is approved, the permittee may request a permit modification to include mass limitations based on the peak flow.

To facilitate the accomplishment of the above requirement, the permittee shall develop an Operational Plan which addresses both dry and wet weather operations. The intent of the requirement is to have available an operation and maintenance manual for the collection system/WWTP system. The objective of the Operational Plan is to reduce the total loading of pollutants entering the receiving stream from the total collection and wastewater treatment system. This plan, specifically tailored to the permittee's system, will include mechanisms and specific procedures to ensure that the following are met:

- 1. Proper operation and regular maintenance programs for the collection system and the CSOs;
- 2. Maximum use of the collection system for storage;

- 3. Review and modification of pretreatment programs to assure CSO impacts are minimized;
- 4. Maximization of flow to the POTW for treatment;
- 5. Prohibition of CSO discharges during dry weather;
- 6. Control of solid and floatable materials in CSO discharges;
- 7. Pollution prevention programs that focus on contaminant reduction activities;
- 8. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts;

Selection and implementation of actual control measures should be based, however, on consideration of the specific combined sewer system's characteristics. Documentation of the minimum controls must include the Operational Plan, revised sewer use ordinances, and the SRCER.

U.S. EPA, Region V, has prepared a document to aid municipalities, principally those small to moderately sized, in the development of their Operational Plan. Copies of this "Technical Guidance for Use in the Development of a Combined Sewer Operational Plan" document can be obtained upon request, from the Indiana Department of Environmental Management, Office of Water Quality, Urban Wet Weather Section (UWWS), 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015. In addition, a copy of the checklist employed to initiate the review of Operational Plans will be included. Other guidance documents available from the above address are as follows: EPA's "Example of an Operational Plan" and "Guidance for Nine Minimum Controls."

- B. The Operational Plan shall be committed to writing within six (6) months of the effective date of this permit and submitted for approval to the Indiana Department of Environmental Management, Office of Water Quality, UWWS. Upon approval, said plan shall be expeditiously implemented, but in no case, shall complete implementation exceed 1 year from the date of State approval. Thereafter, the permittee shall maintain a current Operational Plan, updated to reflect system modifications, on file at the POTW and inform the Office of Water Quality of significant changes.
- C. The Operational Plan shall incorporate the following requirements:
 - In order to maintain system integrity and minimize infiltration, the permittee shall develop and
 institute a regular maintenance program including: sewer inspection; sewer, catch basin, and
 regulator cleaning; sewer replacement where necessary; and disconnection of connections not
 authorized by the Sewer Use Ordinance.
 - 2. The permittee shall identify and analyze alternative means to either reduce flows or provide for

capacity increases when the dry weather flow to the wastewater treatment plant approaches 90% of the design flow based on an annual average. If the permittee does not institute such measures, the Commissioner shall take appropriate action under 327 IAC 4-1 to restrict additional sewer connections until such time as corrective actions by the permittee have been implemented.

3. The permittee shall identify "up-pipe" industrial dischargers that discharge to the sewer system upstream of any CSOs. When an approved Industrial Pretreatment Program is in place the community need only identify those industries regulated by the program. Identification shall include the name of the industry, pollutants expected in the wastewater, and the specific CSO which would discharge the wastewater.

IV. Sewer Use Ordinance Review/Revision

The permittee, within nine (9) months of the effective date of this permit, shall review, modify, where necessary, and enforce its existing Sewer Use Ordinance to ensure it contains provisions which: (1) prohibit introduction of inflow sources to any sanitary sewer; (2) prohibit construction of new combined sewers; (3) require that new construction tributary to the combined sewer be designed to minimize or delay inflow contribution to the existing combined sewer; and (4) provide that for any new building the inflow/clear water connection to a combined sewer shall be made separate and distinct from sanitary waste connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

V. Stream Reach Characterization and Evaluation Report

The permittee has completed a biological study aimed at characterizing the impacts of CSO discharges upon Salt Creek. Fish and benthic macro invertebrate sampling and an aquatic habitat evaluation were conducted to assess the impacts of combined sewer overflow discharges on aquatic life. The study provides an adequate overall characterization of the aquatic community's health in Salt Creek. However, the study does not characterize potential short term water quality impacts from CSO discharges.

Therefore, the biological study of Salt Creek shall be supplemented to include the following information:

- 1. rainfall events during the supplemental study period;
- 2. frequency and duration of CSO events during the supplemental study period;
- 3. a characterization of CSO discharges to Salt Creek including a grab sampling regiment where each grab is analyzed separately for the conventional parameters and metals listed within the NPDES permit renewal. The sampling should begin at the start of a CSO event with samples taken every quarter hour for the first hour of the event and samples taken every hour thereafter for the duration of the CSO event. The permittee shall characterize CSO discharges from three separate precipitation events prior to completion of WWTP upgrades and retention basin modifications, and then three separate precipitation events following the completion of WWTP upgrades and retention

basin modifications.

The supplemental sampling data taken prior the completion of WWTP upgrades and retention basin modifications shall be submitted to IDEM, OWQ, Urban Wet Weather Section within 6 months from the effective date of the NPDES permit renewal. The supplemental sampling taken after the completion of the completion of WWTP upgrades and retention basin modifications shall be submitted to IDEM, OWQ, Urban Wet Weather Section within 36 months from the effective date of the NPDES permit renewal.

Results from the permittees characterization and evaluation will aid in determining the extent of long-term CSO controls needed to comply with the Clean Water Act (CWA). Further, the permittee shall discuss the implementation of a public participation program to seek public input and gain public awareness of this 1st stage of the Long-Term Control Plan (LTCP) process.

VI. Long-term CSO Requirements

A. The permittee is required to develop and implement a long-term CSO control plan that will ultimately result in compliance with the water quality-based requirements of the CWA. The U. S. EPA has finalized various guidance documents to aid permittees in the development of long-term control plans. These documents can be obtained upon request, from the Indiana Department of Environmental Management, Office of Water Quality, Urban Wet Weather Section, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

The LTCP shall be submitted for approval, to the Indiana Department of Environmental Management, Office of Water Quality, Urban Wet Weather Section, 30 months from the effective date of the NPDES permit renewal.

The LTCP shall incorporate the following minimum elements, although the requirements could be modified to tailor permit conditions to the circumstances of individual communities through an NPDES permit modification or other enforceable mechanism:

- 1. Characterization of the CSS;
- 2. Consideration of Sensitive Areas;
- 3. Evaluation of Alternatives;
- 4. Cost/Performance Considerations;
- 5. Revising the CSO Operational Plan;
- 6. Maximizing Treatment at the WWTP;

- 7. Development of an Implementation Schedule;
- 8. Development of a Post-Construction Compliance Monitoring Program; and
- 9. Public Participation.
- B. The CSO control implementation schedule shall consider:
 - 1. Eliminating overflows that discharge to sensitive areas as the highest priority;
 - 2. Use impairment;
 - 3. The permittee's financial capability data related to CSO controls necessary to meet WQS, specifically considering the following factors:
 - i. Median household income/total project cost per household;
 - ii. Per capita debt as a percent of full market property value;
 - iii. Property tax revenues as a percent of full market property value;
 - iv. Property tax collection rate;
 - v. Unemployment Rate;
 - vi. Bond rating;
 - vii. Grant and loan availability;
 - viii. Residential, commercial and industrial user fees; and
 - ix. Other viable funding mechanisms and sources of financing.

VII. Reopening Clauses

- A. If water quality violations or demonstrated adverse aquatic biota impacts are linked to CSO discharges and the adverse effect is not adequately addressed by implemented controls contained in a Long-Term Control Plan, as determined by the State and/or the permittee, additional control measures, effluent limitations, and/or monitoring requirements may be imposed through a modification of this permit, after public notice and opportunity for hearing. This permit may be reopened and modified to address changes in State or Federal CSO control guidelines.
- B. The permit may be reopened and modified to include other analyses or sampling points if there is reason to suspect toxicity or other forms of adverse aquatic impact (e.g. bioconcentrating substances). If instream water quality is adversely affected by CSO discharges and the adverse effect is not adequately addressed by implemented controls contained in a Long-Term Control Plan, the permit may be reopened to specify elimination or reduction of the source.
- C. The permit may be reopened and modified, after public notice and opportunity for hearing, to incorporate elements of an approved Long-Term Control Plan.